

LAW OFFICE OF

JUSTIN A. ZELLER, P.C.

JUSTIN A. ZELLER
JAZELLER@ZELLERLEGAL.COM

JOHN M. GURRIERI
JMGURRIERI@ZELLERLEGAL.COM

MEMORANDUM ENDORSEMENT

TELEPHONE: 212.229.2249
FACSIMILE: 212.229.2246

June 10, 2020

VIA ECF

Hon. Gabriel W. Gorenstein, United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse

Re: *Fernandez et al v. HR Parking Inc et al*, 16 CV 2762 (GWG)

Dear Judge Gorenstein:

This firm represents the plaintiffs, with the exception of Naiim Flowers (“plaintiffs”) in the above-referenced action. The plaintiffs move on behalf of all parties for an extension of time to submit pretrial materials from June 15, 2020, until August 14, 2020. The parties have made three previous requests and those requests have been granted.

The plaintiffs have exchanged and extensively edited drafts of the joint pretrial order, jury instructions, and voir dire questions with the defendants Michael Morais, Rodman Ryan, and Open Road of Manhattan, LLC (“Open Road Defendants”). In addition, these parties have exchanged extensive documentary exhibits which the plaintiffs have reviewed in attempt to assess which facts these parties can stipulate to.

The defendants Nelson Rodriguez and HR Parking Inc. (“HR Parking Defendants”) are currently reviewing the latest drafts of the joint pretrial order, jury instructions, and voir dire. The HR Parking Defendants are currently represented by the Law Offices of Michael Chong, LLC. An associate of that firm, Ms. Yolanda Rivero, had been substantially handling this case and working on the drafts of the pretrial materials. Tragically, Ms. Rivero passed away in May, suddenly. Mr. Chong’s law office has been inundated with catching up on her cases, including this one, and has been further strained by working remotely due to the pandemic. As such, the parties require additional time in order to draft the pretrial documents. The HR Parking Defendants also are strained in their ability to timely complete the pretrial memorandum due to Ms. Rivero’s passing.

The parties also believe that this extension will not meaningfully delay trial due to the current stay at home order and given the already extensive delays that will prevent trials from going forward due to Covid-19. The parties will be continuing to discuss settlement in this time.

We thank the Court for its time and consideration.

The deadline to file or submit the materials required by Docket # 108 is extended to August 14, 2020.

So ordered.

Dated: June 10, 2020



GABRIEL W. CORENSTEIN
United States Magistrate Judge

Respectfully submitted,



John M. Gurrieri